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6 Attorneys for Ocwen Loan Servicing, LLC,  
7 OneWest Bank, FSB, and U.S. Bank National  
Association, as trustee for the Lehman XS Trust  
8 Mortgage Pass-Through Certificates 2007-4N

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10 UNITED STATES BANKRUPTCY COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 SACRAMENTO DIVISION

13 In re

14 Anthony P. Dicus and Lilia E. Lopez,  
15 Debtors.

Case No. 09-35241

Chapter 7

Adv. No. 14-02127

DCN No. BJK-001

16 **NOTICE OF MOTION TO DISMISS**  
17 **DEBTORS' COMPLAINT FOR FAILURE**  
18 **TO STATE A CLAIM AND LACK OF**  
**JURISDICTION**

19 Date: July 29, 2014

20 Time: 9:32 a.m.

21 Dept.: B

22 Place: Courtroom 32  
501 I Street  
Sacramento, CA

23 Judge: Thomas C. Holman  
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1 TO THE PLAINTIFF AND ALL OTHER INTERESTED PARTIES:

2 Please take notice that on the above captioned date and time, or as soon thereafter as this  
3 motion may be heard, in the above-captioned United States Bankruptcy Court, a hearing will be  
4 conducted on defendants Ocwen Loan Servicing, LLC ("**Ocwen**"), OneWest Bank, FSB  
5 ("**OneWest**"), and U.S. Bank National Association, as trustee for the LXS 2007-4N, also known  
6 as U.S. Bank National Association, as trustee for the Lehman XS Trust Mortgage Pass-Through  
7 Certificates 2007-4N ("**US Bank**") (collectively, "**Defendants**") motion to dismiss the complaint  
8 filed by plaintiffs Anthony P. Dicus and Lilia E. Lopez ("**Debtors**") for failure to state a claim  
9 upon which relief can be granted. The basis for Defendants' request is set forth fully in its  
10 concurrently filed motion to dismiss, which is brought pursuant to Local Bankruptcy Rule 9014-  
11 1(f)(1) of the Local Rules of Practice for the United States Bankruptcy Court, Eastern District of  
12 California.

13 OPPOSITION, if any, to this motion shall be in writing, and served upon the following  
14 parties not less than fourteen (14) calendar days prior to the noticed (or continued) hearing date:

15 Bernard J. Kornberg  
16 SEVERSON & WERSON  
17 A Professional Corporation  
One Embarcadero Center, Suite 2600  
San Francisco, CA 94111

18 Any written opposition to the motion must also be filed with the Clerk of the Court not less  
19 than fourteen (14) calendar days prior to the noticed (or continued) hearing date. Opposition shall  
20 be accompanied by evidence establishing its factual allegations. Without good cause, no party  
21 shall be heard in opposition to this motion at oral argument if written opposition has not been  
22 timely filed. Failure to file timely written opposition may be deemed a waiver of any opposition  
23 to the Court granting of the motion or may result in the imposition of sanctions.

24 The opposition shall specify whether the responding party consents to the Court's  
25 resolution of disputed material factual issues pursuant to Federal Rule of Civil Procedure 43(e) as  
26 made applicable by Federal Rule of Bankruptcy Procedure 9017. If the responding party does not  
27 so consent, the opposition shall include a separate statement identifying each disputed material  
28 factual issue. The separate statement shall enumerate discretely each of the disputed material

1 factual issues and cite the particular portions of the record demonstrating that a factual issue is  
2 both material and in dispute. Failure to file the separate statement shall be construed as consent to  
3 resolution of the motion and all disputed material factual issues pursuant to Federal Rule of Civil  
4 Procedure 43(e).

5 PLEASE TAKE NOTICE THAT IN ACCORDANCE WITH LOCAL BANKRUPTCY  
6 RULE 9014-1(d)(3), FAILURE TO TIMELY FILE WITH THE CLERK OF THE COURT AND  
7 SERVE UPON MOVING PARTY WRITTEN OPPOSITION WITH SUPPORTING  
8 EVIDENCE, AS REQUIRED BY LOCAL BANKRUPTCY RULE 9014-1(f)(1)(ii), MAY  
9 RESULT IN THE COURT GRANTING THE REQUESTED RELIEF WITHOUT ORAL  
10 ARGUMENT AND THE STRIKING OF ANY UNTIMELY WRITTEN OPPOSITION.

11  
12 DATED: June 11, 2014

SEVERSON & WERSON  
A Professional Corporation

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14  
15 By: /s/ Bernard J. Kornberg  
Bernard J. Kornberg

16  
17 Attorneys for Ocwen Loan Servicing, LLC, OneWest  
18 Bank, FSB, and U.S. Bank National Association, as  
19 trustee for the Lehman XS Trust Mortgage Pass-  
20 Through Certificates 2007-4N  
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